



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED



**THE COUNTER-TERRORISM RULES
DICA NOTIFICATION ON NEW COMPANIES**

6 April 2023

THE COUNTER-TERRORISM RULES



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

The Counter-Terrorism Law

- **Enacted on 4 June 2014**
- **Primary purpose, originally: To implement anti-terrorism conventions to which Myanmar is a party**
- **SAC amended in 2021, to penalise “acts of exhortation, persuasion, propaganda, recruitment of any person to participate in any terrorist group or act of terrorism”**

(Wording not new, but penalty clauses had previously not referred to these acts.)



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Declared “terrorist groups”

- **ARSA:** Since 25.8.2017
- **ULA/AA:** 23.3.2020 - 11.3.2021
- **CRPH, NUG, PDF and their subordinates:** Since 8.5.2021
(declared by the SAC)

(Separately, groups may be declared “unlawful associations” under the Unlawful Associations Act 1908.)



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The “Central Committee to Counter Terrorism”

- “Minister of Home Affairs as chairman, other relevant ministers and relevant persons in charge in government departments as members”
- Reconstituted by the SAC in 2022
- Sets up working committees and working groups



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Counter-Terrorism Rules: NGOs

- **R. 72:** Working committee to prevent and suppress terrorism shall set up investigation teams and prevention and suppression forces (“**Teams**”)
- **R. 73:** Teams to conduct investigations to prevent money and assets of NGOs and not-for-profits from reaching terrorists, terrorist groups or associated persons and organisations and to identify the sources of funding for them



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Counter-Terrorism Rules: NGOs

- **R. 75(a):** Team to conduct regular or random inspections in order to monitor the money and assets of NGOs and not-for-profits so that they do not reach terrorists, terrorist groups or associated organisations and persons
- **R. 75(b):** Teams to prevent and take action against terrorist or terrorist groups masquerading as NGOs or not-for-profits in order to use this front as a conduit for funding



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Counter-Terrorism Rules: Banks

- **R. 69(b), (c), 76(a), (b):** Search for, freeze, seize suspicious bank deposits
- **R. 76(f):** Teams may investigate and question, without violating any law in force, organisations that support the commission of terrorism, and persons involved in banks, financial institutions and business organisations who use money and assets obtained from the commission of terrorism



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Counter-Terrorism Rules: Telecom/internet

- **R. 79, 81, 82(b):** Teams may request permission from Central Committee (via working committee) to cut off, limit, and intercept communication for up to 60 days; period extendable



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DICA NOTIFICATION ON NEW COMPANIES



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DICA notification from 1 April 2023

New companies must send copies of the following to DICA by e-mail within 2 months from incorporation:

- **Evidence of paid-up capital being credited to the corporate bank account**
- **NRC / police recommendation letter for local shareholders and directors**
- **Immigration form C for foreign shareholders and directors**
- **Corporate documents for corporate shareholders**
- **Police recommendation letter for office address**



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DICA notification from 1 April 2023

- **Consequences of non-compliance:** DICA will not accept the first annual return, which means: Suspension and ultimately deregistration of the company; directors barred from registering other companies; company barred for one year from issuing recommendation letter for in-country visa extension
- **Does currently not apply to old companies (incorporated before 1 April 2023)**
- **Does not apply to rep offices and branches**



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